

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 258 – HB 586

April 3, 2017

SUMMARY OF ORIGINAL BILL: Authorizes a claim to be brought against an adverse possessor beyond the seven-year statute of limitations if the person can prove by a preponderance of the evidence that the property was possessed illegally. Defines “illegally” for purposes of showing illegal possession.

Creates a class E felony for knowingly and willfully moving, removing, or otherwise destroying the property stakes or other physical markings to illegally mark or alter the lawful property owner’s property lines.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$7,000/Incarceration*

SUMMARY OF AMENDMENT (006623): Deletes and rewrites the proposed legislation to prohibit a person from claiming adverse possession if the land was possessed by illegal means; to reduce the offense to a class A misdemeanor; and to add a statute of limitations of one year for commencing prosecution for such offenses.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The proposed legislation could result in additional claims being brought against adverse possessors, but it is assumed that the proposed legislation will not significantly impact the caseload of the courts.
- The Administrative Office of the Courts confirms that the proposed legislation will not significantly impact court operations.

SB 258 – HB 586

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm